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Customs Bulletin

Regulations, Rulings, Decisions, and Notices
concerning Customs and related matters



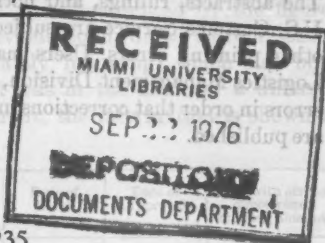
and Decisions

of the United States Court of Customs and
Patent Appeals and the United States
Customs Court

Vol. 10

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This issue contains

T.D. 76-226 through 76-235

C.D. 4666

Protest abstracts P76/184 through P76/187

International Trade Commission Notice

DEPARTMENT OF THE TREASURY

U.S. Customs Service

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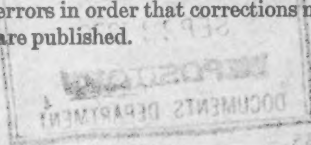
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NOTICE

The abstracts, rulings, and notices which are issued weekly by the U.S. Customs Service are subject to correction for typographical or other printing errors. Users may notify the U.S. Customs Service, Logistics Management Division, Washington, D.C. 20229, of any such errors in order that corrections may be made before the bound volumes are published.



DEPARTMENT OF THE TREASURY

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U.S. Customs Service

(T.D. 76-226)

Bonds

Approval and discontinuance of Carrier bonds, Customs Form 3587

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., August 12, 1976.

Bonds of carriers for the transportation of bonded merchandise have been approved or discontinued as shown below. The symbol "D" indicates that the bond previously outstanding has been discontinued on the month, day, and year represented by the figures which follow. "PB" refers to a previous bond, dated as represented by figures in parentheses immediately following, which has been discontinued. If the previous bond was in the name of a different company or if the surety was different, the information is shown in a footnote at the end of list.

Name of principal and surety	Date of Bond	Date of Approval	Filed with district director/area director; amount
Ace Doran Hauling & Rigging Co., 1601 Blue Rock St., Cincinnati, OH; motor carrier, United States Fidelity & Guaranty Co. (PB 4/8/71) D 6/17/76 ¹	June 11, 1976	June 17, 1976	Cleveland, OH; \$50,000
American Van & Storage, Inc., 2125 N.W. First Court, Miami, FL; motor carrier, Peerless Ins. Co.	June 14, 1976	June 23, 1976	Miami, FL; \$50,000
Astro Van Lines, Inc., 623 South Pickett St., Alexandria, VA; motor carrier, Ins. Co. of North America D 7/18/76	May 1, 1975	June 19, 1975	Washington, D.C.; \$25,000
Atlas Van Lines, Inc., 1212 St. George Rd., P.O. Box 500, Evansville, IN; motor carrier, The Aetna Casualty & Surety Co. (PB 1/14/69) D 9/21/76 ²	June 15, 1976	June 21, 1976	Cleveland, OH; \$50,000
Baltimore-New York Express, Inc., Baltimore, MD; motor carrier, Liberty Mutual Ins. Co. D 6/24/76	Feb. 16, 1968	May 1, 1968	Baltimore, MD; \$25,000

See footnotes at end of table.

Name of principal and surety	Date of Bond	Date of Approval	Filed with district director/area director; amount
Boat Transit, Inc., 1843 Logan Ave., Costa Mesa, CA; motor carrier, Peerless Ins. Co.	Apr. 15, 1976	May 28, 1976	Los Angeles, CA; \$50,000
Buake Lines Inc., 133 W. Tyler Ave., Litchfield, IL; motor carrier, Central National Ins. Co. of Omaha D 6/25/76	July 8, 1974	July 9, 1974	Chicago, IL; \$50,000
Citizens Warehouse Trucking Co., Inc., 2455 East 27th St., Los Angeles, CA; motor carrier, Maryland Casualty Co. (PB 3/19/70) D 7/13/76	June 30, 1976	July 14, 1976	Los Angeles, CA; \$50,000
Concord Motor Lines, Inc., 134 Morgan Ave., Brooklyn, NY; motor carrier, The North River Ins. Co. D 7/12/76	Jan. 8, 1975	Apr. 4, 1975	New York Sea-port; \$50,000
Container Express Corp., P.O. Box 2249, Newark, NJ; motor carrier, Peerless Ins. Co.	June 15, 1976	June 18, 1976	Newark, NJ; \$50,000
Danner's Inc., 102 Bedford, Houston, TX; motor carrier, Fidelity & Deposit Co. of MD.	July 2, 1976	July 9, 1976	Houston, TX; \$25,000
Erb Transport Ltd., 290 Hamilton RD., New Hamburg, Ontario, Canada NOB 2G0; motor carrier, The Aetna Casualty & Surety Co.	Sept. 30, 1975	June 18, 1976	Buffalo, NY; \$25,000
Estes Express Lines, 1405 Gordon Ave., Richmond, VA; motor carrier, Hartford Accident & Indemnity Co. (PB 6/19/73) D 8/21/76	June 19, 1976	June 21, 1976	Norfolk, VA; \$25,000
Hennis Freight Lines, Inc., P.O. Box 612, Winston-Salem, NC; motor carrier, Ins. Co. of North America D 6/28/76	Feb. 1, 1974	Feb. 23, 1974	Wilmington, NC; \$25,000
Highline Produce Ltd., d/b/a Highline Trucking, Concession 5 and Highway 77, Leamington, Ontario, Canada; motor carrier, St. Paul Fire & Marine Ins. Co. D 6/18/76	Feb. 17, 1975	Feb. 18, 1975	Detroit, MI; \$50,000
Joe Hodges Transportation Corp., 1911 N.W. 1st St., Oklahoma City, OK; motor carrier, Ins. Co. of North America (PB 2/13/74) D 7/14/76	May 25, 1976	July 14, 1976	Houston, TX; \$25,000
Import Freight Carriers, Inc., 2150 Landmeier RD, Elk Grove Village, IL; freight forwarder, Washington Intl Ins. Co.	May 13, 1976	June 7, 1976	Chicago, IL; \$25,000
Interstate Oil Transport Co., 214 Transportation Center, Six Penn Center Plaza, Philadelphia, PA; water carrier, St. Paul Fire & Marine Ins. Co. (PB 4/30/59) D 7/2/76	Apr. 30, 1976	July 2, 1976	Philadelphia, PA; \$50,000

See footnotes at end of table.

Name of principal and surety	Date of Bond	Date of Approval	Filed with district director/amount
D. D. Jones Transfer & Warehouse Co., Inc., P.O. Box 5424, Chesapeake, VA; motor carrier, Fidelity & Deposit Co. (PB 7/14/74) D 7/14/76	July 1, 1976	July 14, 1976	Norfolk, VA; \$25,000
Lambe Express, Inc., 350 Allens Ave., Providence, RI; motor carrier, The Home Indemnity Co.	July 6, 1976	July 12, 1976	Providence, RI; \$50,000
La Salle Trucking Co., Inc., P.O. Box 3447, Chula Vista, CA; motor carrier, Ins. Co. of North America (PB 6/18/69) D 6/18/76	June 16, 1976	June 18, 1976	San Diego, CA; \$25,000
Lion Transfer & Storage Co., 663 Taylor St., N.E., Washington, DC; motor carrier, Fidelity & Deposit Co. of MD	Apr. 14, 1976	June 16, 1976	Washington, DC; \$25,000
Lyn Transport, Inc., 61 Lincoln Highway, S. Kearny, NJ; motor carrier, Peerless Ins. Co.	July 16, 1976	July 16, 1976	Newark, NJ; \$50,000
Maislin Transport Corp., 1314 N. Irving St., Allentown, PA; motor carrier, Globe Indemnity Co. D 1/28/76	July 26, 1973	Aug. 20, 1973	Philadelphia, PA; \$25,000
The Maryland Transportation Co., 1111 Frankfort Ave., Baltimore, MD; motor carrier, The Travelers Indemnity Co. (PB 4/11/68) D 5/3/76	May 3, 1976	May 3, 1976	Baltimore, MD; \$25,000
Matlack, Inc., 10 West Baltimore Ave., Lansdowne, PA; motor carrier, Seaboard Surety Co. (PB 3/1/70) D 6/18/76	June 1, 1976	June 18, 1976	Philadelphia, PA; \$50,000
K. G. More, Inc., 16 Progress Ave., Nashua, NH; motor carrier, American Employers' Ins. Co.	July 29, 1975	July 8, 1976	Boston, MA; \$50,000
Morrison Motor Freight, Inc., 1100 East Jenkins Blvd., Akron, OH; motor carrier, Fireman's Fund Ins. Co. (PB 7/1/74) D 7/2/76	July 1, 1976	July 2, 1976	Cleveland, OH; \$50,000
Navajo Freight Lines, Inc., 1205 So. Platte River Dr., Denver, CO; motor carrier, Ins. Co. of North America (PB 3/3/73) D 6/17/76	June 4, 1976	June 17, 1976	San Francisco, CA; \$25,000
Nelson's Express, Inc., 675 Market St., Millersburg, PA; motor carrier, The Aetna Casualty & Surety Co.	June 10, 1976	June 11, 1976	Baltimore, MD; \$25,000
Philipp Transit Lines, Inc., Washington, MO; motor carrier, Maryland Casualty Co. D 8/14/76	Dec. 8, 1971	Dec. 14, 1971	St. Louis, MO; \$25,000
J. W. Poole, Inc., P.O. Box 408, Wytheville, VA; motor carrier, U.S. Fidelity & Guaranty Co. D 7/6/76	Nov. 7, 1974	Nov. 22, 1974	Norfolk, VA; \$25,000

See footnotes at end of table.

RECEIVED January 20, 1976 (49 FR 4366).

Name of principal and surety	Date of Bond	Date of Approval	Filed with district director/area director; amount
Shaker Express, P.O. Box 2430, San Diego, CA; motor carrier, Transamerican Ins. Co.	May 6, 1976	June 16, 1976	San Diego, CA; \$25,000
Shanahan Motor Lines, Inc., 1600 South Delaware Ave., Philadelphia, PA; motor carrier, Federal Ins. Co. (PB 8/9/71) D 5/17/76	May 13, 1976	May 13, 1976	Philadelphia, PA; \$50,000
Smyth Van Line, Inc., P.O. Box 3020, Bellevue, WA; motor carrier, The Travelers Indemnity Co. (PB 4/14/75) D 4/27/76 ¹⁰	Apr. 14, 1976	Apr. 23, 1976	Seattle, WA; \$35,000
Transamerican Freight Lines, Inc., 5900 Foremost Dr., S.E., Grand Rapids, MI; motor carrier, Northwestern National Ins. Co.	June 1, 1976	June 10, 1976	Detroit, MI; \$50,000
Transitoll Corp., 1612 Farnborn St., Crofton, MD; motor carrier, Federal Ins. Co. D 6/21/76	Nov. 13, 1971	Nov. 23, 1971	Baltimore, MD; \$25,000
Viking Transport Co., RD #1, Olyphant, PA; motor carrier, Peerless Ins. Co.	May 24, 1976	June 2, 1976	Philadelphia, PA; \$25,000
Yeary Transfer Co., Inc., 2171 Christian Road, Lexington, KY; motor carrier, Fireman's Fund Ins. Co. (PB 4/10/73) D 7/6/76 ¹¹	June 15, 1976	July 6, 1976	Cleveland, OH; \$50,000

¹ Surety is the Buckeye Union Ins. Co.² Surety is Fidelity & Deposit Co. of MD³ Surety is Royal Globe Ins. Co.⁴ Surety is American Casualty Co.⁵ Surety is Allstate Ins. Co.⁶ Surety is The Travelers Indemnity Co.⁷ Surety is St. Paul Fire & Marine Ins. Co.⁸ Surety is The Travelers Indemnity Co.⁹ Surety is American Casualty Co.¹⁰ Principal is Greyhound Van Lines, Inc.¹¹ Surety is Reliance Ins. Co.

(BON-3-03)

LEONARD LEHMAN,
Assistant Commissioner,
Regulations and Rulings.

(T.D. 76-227)

Antidumping—Tapered roller bearings and certain components thereof from Japan

The Secretary of the Treasury makes public a finding of dumping with respect to tapered roller bearings and certain components thereof from Japan; section 153.46, Customs Regulations, as amended

DEPARTMENT OF THE TREASURY,
Washington, D.C., August 13, 1976.

TITLE 19—CUSTOMS DUTIES

CHAPTER 1—UNITED STATES CUSTOMS SERVICE

PART 153 — ANTIDUMPING

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that tapered roller bearings, and certain components thereof from Japan are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of September 6, 1974 (39 FR 32337)).

In a clarification of the determination of sales at less than fair value, the Secretary stated that the term "tapered roller bearings" includes inner race or cone assemblies and outer races or cups, either sold as a unit or separately. (Published in the FEDERAL REGISTER of October 29, 1974 (39 FR 38116)).

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States International Trade Commission responsibility for determination of injury or likelihood of injury. The United States International Trade Commission has determined, and on January 23, 1975, it notified the Secretary of the Treasury that an industry in the United States is likely to be injured by reason of the importation of tapered roller bearings, including inner race or cone assemblies and outer races or cups, exported to and sold in the United States, either as a unit or separately, from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (Published in the FEDERAL REGISTER of January 29, 1975 (40 FR 4366)).

Antidumping—Tapered roller bearings and certain components thereof from Japan

The Secretary of the Treasury makes public a finding of dumping with respect to tapered roller bearings and certain components thereof from Japan; section 1534d, Customs Regulations as amended.

DEPARTMENT OF THE TREASURY

Washington, D.C., August 15, 1975.

TITLE 10—CUSTOMS DUTIES

CHAPTER I—UNITED STATES CUSTOMS SERVICE

PART III—ANTI-DUMPING

Section 301(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 1601(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that tapered roller bearings, and certain components thereof from Japan are being sold at less than fair value within the meaning of section 301(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 1601(a)). (Published in the Federal Register of September 8, 1974 (39 FR 32337).)

In a clarification of the determination of sales at less than fair value, the Secretary stated that the term "tapered roller bearings" includes inner races or cone assemblies and outer races or cups, either sold as a unit or separately. (Published in the Federal Register of October 29, 1974 (39 FR 38116).)

Section 301(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 1601(a)), gives the United States International Trade Commission responsibility for determination of injury or likelihood of injury. The United States International Trade Commission has determined, and on January 23, 1975, it notified the Secretary of the Treasury that an industry in the United States is likely to be injured by reason of the importation of tapered roller bearings, including inner races or cone assemblies and outer races or cups, exported to and sold in the United States, either as a unit or separately, from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (Published in the Federal Register of January 20, 1975 (40 FR 4366)).

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to tapered roller bearings, including inner race or cone assemblies and outer races or cups, exported to and sold in the United States, either as a unit or separately, from Japan. Publication of this finding was delayed pending the completion of certain litigation (*The Timken Co. v. William E. Simon, et al.*, C.A.D.C., No. 75-1127, decided July 9, 1976) which affected the scope of the finding.

Section 153.46 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

<i>Merchandise</i>	<i>Country</i>	<i>T.D.</i>
Tapered roller bearings, including inner race or cone assemblies and outer races or cups, exported to and sold in the United States, either as a unit or separately	Japan	76-227

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

(APP-2-04)

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[Published in the FEDERAL REGISTER August 18, 1976 (41 FR 34974)]

(T.D. 76-228)

Cotton, Wool, and Manmade Fiber Textiles—Restriction on Entry

Restriction on entry of cotton, wool, and manmade fiber textiles and cotton textile products manufactured or produced in Colombia

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,

Washington, D.C., August 16, 1976.

There is published below the directive of July 20, 1976, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning visa requirement and exempt certification for cotton, wool, and manmade fiber textile products in certain categories manufactured or produced in Colombia. This directive cancels and supersedes that Committee's directive of April 30, 1974 (T.D. 74-163).

This directive was published in the **FEDERAL REGISTER** on July 26, 1976 (41 FR 80707), by the Committee.

(QUO-2-1)

WILLIAM D. SLYNE,
for **JOHN B. O'LOUGHLIN,**
Director,
Duty Assessment Division.

U.S. DEPARTMENT OF COMMERCE
Domestic and International
Business Administration
Washington, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20229

July 20, 1976.

DEAR MR. COMMISSIONER:

On April 30, 1974, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit, effective on June 2, 1974, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Colombia, which did not meet certain visa requirements. The directive of April 30, 1974 was amended by the directives of September 26, 1974 and June 5, 1975 from the Chairman, Committee for the Implementation of Textile Agreements, which changed the officials authorized by the Government of Colombia to issue export visas. The present directive cancels the directive of April 30, 1974, as amended by the directives of September 26, 1974 and June 5, 1975.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 28, 1975, between the Governments of the United States and Colombia, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on August 25, 1976, and until further notice, entry into the United States for consumption and withdrawal from ware-

house for consumption of cotton textiles and cotton textile products in Categories 1-64, wool textile products in Categories 101-132, and man-made fiber textile products in Categories 200-243, produced or manufactured in Colombia, for which the Government of Colombia has not issued an appropriate visa, provided however, that wool textile products in Categories 101-132 and man-made fiber textile products in Categories 200-243, produced or manufactured in Colombia and exported prior to the effective date of this directive shall not be denied entry until October 25, 1976.

Cotton textiles and cotton textile products which have been visaed or certified for exemption in accordance with procedures established previously between the Governments of the United States and Colombia shall not be denied entry until October 25, 1976.

The export visa will be a rectangular stamp in blue ink on the front of the invoice (Special Customs Invoice Form 5515 or other successor document, or commercial invoice, when such form is used). A facsimile of the visa is enclosed.

You are further directed to exempt from the levels of restraint established under the bilateral agreement shipments of cotton, wool, and/or man-made fiber textile products valued under \$250; handloomed fabrics of the cottage industry and handmade cottage industry products made from handloomed fabrics; and traditional and folklore textile products which have been certified for exemption by the Government of Colombia in accordance with the procedure described below. This action will be effective on August 25, 1976.

The certification will be a rectangular stamp in blue ink on the front of the invoice (Special Customs Invoice Form 5515 or other successor document, or commercial invoice, when such form is used) and will include the signature and title of the official issuing the certification; identify the items exempted; indicate the date the certification was signed and certified; and carry the certificate number. In the space marked "Description" on the certification stamp, the Government of Colombia will indicate that the shipment is: "Less than \$250" in value; "a cottage industry product made from handloomed fabric;" or include the name of a particular Colombian folklore product. A copy of the certification stamp is also enclosed.

An export visa will not be required to accompany shipments of exempt cotton, wool, and man-made fiber textile products.

Merchandise covered by an invoice which has an exempt certification but includes both exempt and non-exempt textile products, will be denied entry.

You are directed to permit entry into the United States for consumption and withdrawal from warehouse for consumption of designated shipments of cotton, wool, and/or man-made fiber textile products, produced or manufactured in Colombia, notwithstanding the designated shipment or shipments do not fulfill the aforementioned visa and certification requirements, whenever requested to do so in writing by the Committee for the Implementation of Textile Agreements.

Textile products of the cottage industry of Colombia which have been certified exempt from the levels of restraint of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 28, 1975, between the Governments of the United States and Colombia should be reported in accordance with the instructions transmitted in the letter of March 7, 1975 from the Chairman of the Committee for the Implementation of Textile Agreements.

(A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 30, 1975 (40 FR 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Colombia and with respect to imports of cotton, wool and man-made fiber textile products from Colombia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY

*Chairman, Committee for the Implementation
of Textile Agreements, and
Deputy Assistant Secretary for
Resources and Trade Assistance*

REPUBLIC OF COLOMBIA

INCOMEX

Licence No. _____

For Shipping to USA Only

Category No. _____ Quantity _____

Issued _____ 19 _____

Authorized Signature _____

REPUBLIC OF COLOMBIA

INCOMEX

Certificate No. _____

For Shipping to USA Only

EXEMPTITEMS

Description _____

Issued _____ 19 _____

Authorized Signature _____

Director,
Duty Assessment Division.

(T.D. 76-229)

Cotton Textiles—Restriction on Entry

Restriction on entry of cotton textiles and cotton textile products manufactured or produced in El Salvador

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., August 16, 1976.

There is published below the directive of July 30, 1976, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning the restriction on entry into the United States of certain cotton textiles and cotton textile products manufactured or produced in El Salvador. This directive cancels and supersedes that Committee's directive of April 19, 1976 (T.D. 76-126).

This directive was published in the FEDERAL REGISTER on August 3, 1976 (41 FR 32463), by the Committee.

(QUO-2-1)

WILLIAM D. SYLNE,
for JOHN B. O'LOUGHLIN,
Director,
Duty Assessment Division.

UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Domestic
and International Business
Washington, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

July 30, 1976.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20229

DEAR MR. COMMISSIONER:

This directive cancels and supersedes, effective on July 15, 1976, the directive of April 19, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to

prohibit, effective on April 1, 1976 and for the twelve-month period extending through March 31, 1977, entry into the United States for consumption and withdrawal from warehouse for consumption of certain cotton textiles and cotton textile products, produced or manufactured in El Salvador, in excess of certain specified levels of restraint.

The actions taken with respect to the Government of El Salvador and with respect to imports of cotton textiles and cotton textile products from El Salvador have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **FEDERAL REGISTER**.

Sincerely,

ALAN POLANSKY

*Chairman, Committee for the Implementation
of Textile Agreements, and
Deputy Assistant Secretary for
Resources and Trade Assistance*

(T.D. 76-230)

Cotton, Wool, and Manmade Fiber Textiles—Restriction on Entry

Restriction on entry of cotton, wool, and manmade fiber textile products manufactured or produced in Colombia

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., August 16, 1976.

There is published below the directive of June 22, 1976, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning restriction on entry of cotton, wool, and manmade fiber textile products in certain categories manufactured or produced in Colombia.

This directive was published in the **FEDERAL REGISTER** on July 1, 1976 (41 FR 27110), by the Committee:

(QUO-2-1)

JOHN B. O'LOUGHLIN,
Director,
Duty Assessment Division.

UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Domestic
and International Business
Washington, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS

June 22, 1976.

Department of the Treasury
Washington, D.C. 20229

DEAR MR. COMMISSIONER:

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 28, 1975, between the Governments of the United States and Colombia, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on July 1, 1976, and for the twelve-month period extending through June 30, 1977, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1-4, 9/10, 22/23, wool textile products in Categories 120 and 121, and man-made fiber textile products in Categories 219, 221, 224, and 229 in excess of the following levels of restraint:

Category	Twelve-Month Level of Restraint
1-4	5,954,872 pounds
9/10	7,062,000 square yards
22/23	11,770,000 square yards
120	124,913 units
121	85,219 units
219	221,460 dozen
221	62,310 dozen
224	1,335,785 pounds
229	151,745 dozen

In carrying out this directive, entries of cotton, wool and man-made fiber textile products in the foregoing categories, produced or manufactured in Colombia and exported to the United States prior to July 1, 1976, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period July 1, 1975 through June 30, 1976. In the event that the

John R. O'Donnell
Director,
Duty Assessment Division.

levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of May 28, 1975 between the Governments of the United States and Colombia which provide, in part, that: 1) within the aggregate and applicable group limits, specific limits among Categories 1-38, 64, 200-213, and 241-243 may be exceeded by 10 percent; among Categories 39-63 and 214-240, by 7 percent; and among Categories 101-132, by 5 percent; 2) specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and 3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the *FEDERAL REGISTER* on February 3, 1975 (40 FR 5010), as amended on December 30, 1975 (40 FR 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Colombia and with respect to imports of cotton, wool and man-made fiber textiles from Colombia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *FEDERAL REGISTER*.

Sincerely,

ALAN POLANSKY

*Chairman, Committee for the Implementation
of Textile Agreements, and
Deputy Assistant Secretary for
Resources and Trade Assistance*

(T.D. 76-231)

Textiles—Restriction on Entry

Restriction on entry of textile products manufactured or produced
in the Republic of China

DEPARTMENT OF THE TREASURY,

OFFICE OF THE COMMISSIONER OF CUSTOMS,

Washington, D.C., August 16, 1976.

There is published below the directive of July 19, 1976, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning the exemption of certain traditional textile products manufactured or produced in the Republic of China. This directive further amends, but does not cancel, that Committee's directive of April 19, 1973 (T.D. 73-128).

This directive was published in the FEDERAL REGISTER on July 27, 1976 (41 FR 30212), by the Committee.

(QUO-2-1)

JOHN B. O'LOUGHLIN,

Director,

Duty Assessment Division.

UNITED STATES DEPARTMENT OF COMMERCE

The Assistant Secretary for Domestic and

International Business

Washington, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

July 19, 1976.

COMMISSIONER OF CUSTOMS

Department of the Treasury

Washington, D.C. 20229

DEAR MR. COMMISSIONER:

This directive further amends, but does not cancel, the directive of April 19, 1973 from the Chairman, Committee for the Implementation of Textile Agreements, which established a certification procedure to exempt certain traditional textile products from the levels of restraint of bilateral textile agreements between the Governments of the United States and the Republic of China.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to para-

graph 14 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 21, 1975, as amended, between the Governments of the United States and the Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directive of April 19, 1973 is hereby further amended to exempt Karate uniforms, in addition to those items previously designated, when they are properly certified.

A complete list of currently exempt items is enclosed.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton, wool, and man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **FEDERAL REGISTER**.

Sincerely,

ALAN POLANSKY

*Chairman, Committee for the Implementation
of Textile Agreements, and
Deputy Assistant Secretary for
Resources and Trade Assistance*

Designated Exempt Textile Products From The Republic of China

1. Pincushions
2. Embroideries (needlework), of man-made fabrics with designs embroidered with wool thread
3. Handmade carpets, i.e., in which the pile was inserted or knotted by hand.
4. Christmas or Easter ornaments having a non-textile core or a non-textile structured frame and man-made fiber textile covering;
5. Toy (novelty) animals, birds or insects with a plastic, wire, or other non-textile core that are covered or decorated with textile thread or fiber
6. Judo Uniforms
7. Karate Uniforms
8. Kung Fu Uniforms
9. Traditional Chinese Padded Jackets

(T.D. 76-232)

Cotton Textiles—Restriction on Entry

Restriction on entry of cotton textiles and cotton textile products manufactured or produced in India

DEPARTMENT OF THE TREASURY.**OFFICE OF THE COMMISSIONER OF CUSTOMS,**

Washington, D.C., August 13, 1976.

There is published below the directive of July 29, 1976, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning the restriction on entry of cotton textiles and cotton textile products in categories 1 through 64 manufactured or produced in India.

This directive was published in the FEDERAL REGISTER on August 3, 1976 (41 FR 32462), by the Committee.

(QUO-2-1)

JOHN B. O'LOUGHLIN,
Director,
Duty Assessment Division.

UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Domestic
and International Business
Washington, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

July 29, 1976.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20229

DEAR MR. COMMISSIONER:

Under the terms of the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton Textile Agreement of August 6, 1974 as amended, between the Governments of the United States and India, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on August 2, 1976, and for

the twelve-month period beginning on October 1, 1975 and extending through September 30, 1976, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64 in excess of an adjusted twelve-month level of restraint of 22,239,652 square yards equivalent.¹ Apparel products of cotton textiles covered by the elephant-shaped certification shall not be subject to this directive. The directive of October 1, 1975 and the amended directive of March 16, 1976 shall remain in effect until further notice.

Cotton textiles and cotton textile products in Categories 1 through 27, produced or manufactured in India, and which have been exported prior to October 1, 1975, shall not be subject to this directive.

Cotton textiles and cotton textile products in Categories 1 through 27 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the categories in terms of T.S.U.S.A. numbers and factors for converting category units into equivalent square yards was published in the FEDERAL REGISTER on February 1, 1975 (40 FR 5010), as amended on December 30, 1975 (40 FR 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of India and with respect to imports of cotton textiles and cotton textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY

*Chairman, Committee for the Implementation
of Textile Agreements, and
Deputy Assistant Secretary for
Resources and Trade Assistance*

¹ The level of restraint has been adjusted to include carryover of shortfalls from the previous agreement year and to reflect entries in Categories 1 through 27 for the period October 1, 1975 through May 31, 1976. Entries in Categories 28 through 64 have been included for the period October 1, 1975 through July 15, 1976.

(T.D. 76-233)

Ports of Entry—Customs Regulations amended

Section 1.2(c), Customs Regulations, amended to establish Battle Creek, Michigan, as a Customs port of entry

DEPARTMENT OF THE TREASURY,
Washington, D.C., August 13, 1976.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—UNITED STATES CUSTOMS SERVICE

PART 1—GENERAL PROVISIONS

On June 25, 1976, there was published in the *FEDERAL REGISTER* (41 FR 26225) a notice of a proposal to establish a Customs port of entry at Battle Creek, Michigan, in the Detroit, Michigan, Customs district (Region IX). No comments were received in response to this proposal.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR 1949-1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 11 (41 FR 20198), Battle Creek, Michigan, is hereby designated as a Customs port of entry in the Detroit, Michigan, Customs district (Region IX).

The geographical limits of the Battle Creek, Michigan, port of entry shall include the Metropolitan Area of the City of Battle Creek, Michigan, comprising the Townships of Bedford, Battle Creek, Pennfield, and Emmett, and the Cities of Battle Creek and Springfield, all in Calhoun County, Michigan.

To reflect this change, the table in section 1.2(c) of the Customs Regulations (19 CFR 1.2(c)) is amended by inserting "Battle Creek, Michigan (T.D. 76-233)" directly below "DETROIT" in the column headed "Ports of entry" in the Detroit, Michigan, Customs district (Region IX).

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended (19 U.S.C. 1, 2))

Effective date. This amendment shall become effective 30 days from the date of publication in the *FEDERAL REGISTER*. (095998)

(ADM-9-03)

DAVID R. MACDONALD,

Assistant Secretary of the Treasury.

(T.D. 76-234)

Presidential Proclamation 4445—Import Relief

Temporary quantitative limitation on the importation of certain articles of stainless steel or alloy tool steel

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., August 18, 1976.

There is published below Presidential Proclamation Number 4445 of June 11, 1976, imposing quantitative restrictions on importations of certain articles of stainless steel or alloy tool steel. This Proclamation was published in the **FEDERAL REGISTER** of Tuesday, June 15, 1976 (41 FR 24101). (047043)

(CLA-2:R:CV:S)

LEONARD LEHMAN,
Assistant Commissioner,
Regulations and Rulings.

Title 3—The President**Proclamation 4445****June 11, 1976**

Temporary Quantitative Limitation on the Importation into the United States of Certain Articles of Stainless Steel or Alloy Tool Steel

By the President of the United States of America

A Proclamation

1. Pursuant to section 201(d)(1) of the Trade Act of 1974 (19 U.S.C. 2251(d)(1)), hereinafter referred to as "the Trade Act", the United States International Trade Commission, hereinafter referred to as "USITC", on January 16, 1976, reported to the President (USITC Report 201-5) the results of its investigation under subsection (b) of section 201 of the Trade Act (19 U.S.C. 2251(b)). The USITC determined that certain articles of stainless steel or alloy tool steel provided for in items 608.52, 608.76, 608.78, 608.85, 608.88, 609.06, 609.07, and 609.08 of the Tariff Schedules of the United States (TSUS) are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof,

to the domestic industry or industries producing articles like or directly competitive with the imported articles. The USITC recommended the imposition of certain quantitative restrictions on imports of the above specified articles.

2. On March 16, 1976, pursuant to section 202(b)(1) of the Trade Act (19 U.S.C. 2252(b)(1)), and after taking into account the considerations specified in section 202(c) of the Trade Act (19 U.S.C. 2252(c)), I determined to remedy the injury or threat thereof, found to exist by the USITC, through the negotiation of orderly marketing agreements pursuant to section 203(a)(4) of the Trade Act (19 U.S.C. 2253(a)(4)); and announced my intention to negotiate such agreements limiting the export from foreign countries and the import into the United States of certain articles of stainless steel or alloy tool steel. I also announced my intention to unilaterally impose quantitative restrictions if satisfactory orderly marketing agreements were not negotiated successfully. On March 16, 1976, in accordance with Section 203(b)(1) of the Trade Act (19 U.S.C. 2253(b)(1)), I transmitted a report to the Congress setting forth my determination and intention to negotiate orderly marketing agreements and stating the reasons why my decision differed from the action recommended by the USITC.

3. Section 203(e)(1) of the Trade Act (19 U.S.C. 2253(e)(1)) requires that import relief shall be proclaimed and take effect within 90 days after a Presidential determination to negotiate orderly marketing agreements under subsection (4) or (5) of section 203(a) of the Trade Act (19 U.S.C. 2253(a)(4), (5)).

4. Pursuant to the authority vested in the President by the Constitution and the statutes of the United States, including section 203(a)(4) of the Trade Act (19 U.S.C. 2253(a)(4)), an orderly marketing agreement was concluded on June 11, 1976, between the Government of the United States of America and the Government of Japan limiting the export from Japan and the import into the United States of certain articles of stainless steel (except razor blade steel) or alloy tool steel provided for in items 608.52, 608.76, 608.78, 608.85, 608.88, 609.06, 609.07, and 609.08 of the TSUS, to be implemented as set forth in this proclamation.

5. Agreements not having been reached with other countries, I am also providing import relief, pursuant to section 203(a)(3) and (5), (e)(1) and (g)(2) of the Trade Act (19 U.S.C. 2253(a)(3) and (5), (e)(1) and (g)(2)), through the imposition of quantitative restrictions on the import into the United States (except as provided for in paragraph 4 above) of certain articles of stainless steel or alloy tool steel as hereinafter proclaimed.

6. In accordance with section 203(d)(2) of the Trade Act (19 U.S.C. 2253 (d)(2)) I have determined that the level of import relief hereinafter proclaimed pursuant to section 203(a) of the Trade Act (19 U.S.C. 2253(a)) permits the importation into the United States of a quantity or value of articles which is not less than the average annual quantity or value of such articles imported into the United States in the 1971-1975 period, which I have determined to be the most recent representative period for imports of such articles.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including section 203 of the Trade Act (19 U.S.C. 2253) and section 301 of title 3, United States Code, and in accordance with Article XIX of the General Agreement on Tariffs and Trade (GATT) (61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786), do proclaim that—

(1) An orderly marketing agreement was entered into on June 11, 1976, between the Government of the United States of America and the Government of Japan with respect to the trade in certain articles of stainless steel or alloy tool steel. Said orderly marketing agreement is to be implemented, according to its terms, as set forth in paragraphs (5), (6), (7) and (8) of this proclamation, and in the Annex to this proclamation.

(2) Items 608.52, 608.76, 608.78, 608.85, 608.88, 609.06, 609.07 and 609.08 in Part I of Schedule XX to the GATT are modified to conform with the quantitative restrictions set forth in the Annex to this proclamation.

(3) Subpart A, part 2 of the Appendix to the TSUS is modified as set forth in the Annex to this proclamation.

(4) The President's authority under section 203(e)(2) of the Trade Act (19 U.S.C. 2253(e)(2)) to negotiate and conclude orderly marketing agreements with respect to products covered by this proclamation with any country or instrumentality, imports from which are subject to restrictions under this proclamation, and to suspend the effectiveness, in whole or in part, of such quantitative restrictions on imports from those countries is hereby delegated to the Special Representative for Trade Negotiations (hereinafter referred to as the "Special Representative").

(5) The Special Representative is hereby directed to take such actions and perform such functions for the United States as may be necessary concerning the administration, implementation, modification, amendment, or termination of the agreement described in paragraph (1) of this proclamation, and any subsequent agreement or

agreements negotiated pursuant to paragraph (4) of this proclamation, including modifications or amendments thereof. In order to carry out said directive, the special Representative is hereby authorized to delegate to appropriate officials or agencies of the United States authority to perform any functions necessary for the administration and implementation of said agreement or agreements. The Special Representative is hereby authorized to make any changes in part 2 of the Appendix to the TSUS which may be necessary to carry out said agreement or agreements, such changes to be effective on or after the date of their publication in the **FEDERAL REGISTER**.

(6) The authority to make changes in the quantitative restrictions provided for in this proclamation, as set forth in the Annex to this proclamation, is hereby delegated to the Special Representative.

(7) The Commissioner of Customs shall take such action as the Special Representative shall direct to carry out the agreement described in paragraph (1) of this proclamation and any subsequent agreement or agreements negotiated pursuant to paragraph (4) of this proclamation, or any modifications thereof, with respect to entry or withdrawal from warehouse, for consumption in the United States of products covered by such agreement or agreements.

(8) This proclamation shall be effective as to those articles entered, or withdrawn from warehouse, for consumption on or after June 14, 1976, and before the close of June 13, 1979, unless the period of its effectiveness is earlier expressly modified or terminated.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of June in the year of our Lord nineteen hundred and seventy-six, and of the Independence of the United States of America the two hundredth.

GERALD R. FORD

ANNEX

Subpart A, part 2 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is modified—

(a) by adding the following new headnote 2:

"2. *Quantitative limitations on stainless steel and alloy tool steel.*—The provisions of this headnote apply to items 923.20 to 923.24, inclusive, of this subpart. The quantitative import limitations imposed are in addition to the duties provided for the restrained articles in schedule 6, part 2B.

(a) *Definitions.*—For the purposes of this subpart—

(i) the term "*restraint period*" refers to a 12-month period beginning June 14 in one year and ending at the close of June 13 of the following year;

(ii) the term "*European Economic Community*" refers to an instrumentality of the Governments of Belgium, Denmark, France, the Federal Republic of Germany, Ireland, Italy, Luxembourg, the Netherlands, and the United Kingdom;

(iii) the term "*alloy tool steel*" in item 923.24 refers to alloy steel which contains the following combinations of elements in the quantity, by weight, respectively indicated:

- not less than 1.0% carbon and over 11.0% chromium; or
- not less than 0.3% carbon and 1.25% to 11.0% inclusive chromium; or
- not less than 0.85% carbon and 1% to 1.8% inclusive manganese; or
- 0.9% to 1.2% inclusive chromium and 0.9% to 1.4% inclusive molybdenum; or
- not less than 0.5% carbon and not less than 3.5% molybdenum; or
- not less than 0.5% carbon and not less than 5.5% tungsten;

(iv) the term "*razor blade steel*" in item 923.20 refers to stainless steel strip not over 0.010 inch in thickness and not over 0.9 inch in width, containing by weight not less than 0.6 percent and not over 0.75 percent carbon, and containing by weight not less than 11.5 percent and not over 14.7 percent chromium, certified at the time of entry to be used in the manufacture of razor blades.

(b) *Timing*.—No more than 60 percent of the respective aggregate quantity of articles provided for in item 923.20, 923.21, 923.22, 923.23 or 923.24, the product of a foreign country or instrumentality, may be entered during the first 6 months of any restraint period.

(c) *Shortfall*.—During the last 3 months of a restraint period, should the Special Representative for Trade Negotiations determine that any quota quantity for a country or instrumentality under an item hereof is unlikely to be used during that restraint period, the Special Representative may modify the quota quantities for that item during such restraint period to reallocate the shortfall to other suppliers, such modification to be effective on or after the date of its publication in the FEDERAL REGISTER. A shortfall shall be considered likely when, *inter alia*, less than 66% of the quota quantity is entered in the first 9 months of a restraint period or less than 80% of the quota quantity is entered in the first 10 months of a restraint period.

(d) *Allocation*.—If the Special Representative determines that it is necessary or appropriate, to assure equitable treatment, he may allocate or reallocate a specific quota quantity to any country or instrumentality subject to restriction (either individually or by inclusion in the "other" country groupings), either on an item by item basis, or for all items.

(e) *Carryover*.—Whenever the quota quantity or base limit, whichever is less, specified for an item for importation from Japan has not been entered during any restraint period, the shortfall may be entered in the same item during the first 30 days of the following restraint period and not be counted against the quota quantity therefor, provided that the amount of shortfall so entered does not exceed 4 percent of the base limit as specified in the table in headnote 2(f), for the restraint period during which the shortfall occurs. If in accordance with the provisions of headnote 2(f) all or part of a base limit of any item for Japan has been reallocated to the base limit of one or more other items for Japan, such amounts will not be considered a shortfall, and therefore not available for carryover.

(f) *Adjustments*.—Upon appropriate request of the Government of Japan for an adjustment of the quota quantities between items as provided for herein, the

Special Representative shall modify the provisions of this subpart accordingly, such modification to be effective on or after the date of its publication in the FEDERAL REGISTER. The modification in the quota quantities for imports from Japan cannot exceed the percentage of the respective base limits shown below and must be accompanied by an equal tonnage reduction in the quota quantity from Japan for one or more of the other items during the same restraint period.

Item	Restraint periods					
	June 14, 1976- June 13, 1977		June 14, 1977- June 13, 1978		June 14, 1978- June 13, 1979	
	Base limit	Maximum increase	Base limit	Maximum increase	Base limit	Maximum increase
	1,000		1,000		1,000	
	s. tons	Percent	s. tons	Percent	s. tons	Percent
923.20-----	38.6	10	38.9	10	39.8	10
923.21-----	5.6		5.9		6.3	
923.22-----	13.0	1	14.0	3	14.5	3
923.23-----	5.7	1	5.9	3	6.0	3
923.24-----	3.5	1	3.7	3	3.8	3

(g) *United States International Trade Commission (USITC) surveys.*—The USITC shall conduct mandatory surveys with respect to products of the types subject to import restraints under each item involved as follows:

(i) *Quarterly.*—Surveys by calendar quarter to obtain from domestic producers monthly data on production, shipments, prices, employment, and man-hours. The initial surveys shall cover the fourth quarter of 1975 and the first two quarters of 1976; subsequent surveys will cover individual quarters; the last such survey shall cover the quarter which ends not less than 60 days prior to the termination of the import restraints. The USITC shall publish the results of these surveys within 45 days (as soon as feasible and not later than 60 days in the case of prices) of the end of a quarter. Such surveys will be conducted monthly, upon written request of the Special Representative to the USITC, if the Special Representative determines that monthly reporting is necessary.

(ii) *Annually.*—Annual surveys to obtain from domestic producers data by calendar quarter on profits, orders, and inventories, and annual data on capital expenditures, capacity, and research and development expenditures; and to obtain from importers data by calendar quarter on prices, orders, and inventories. The initial surveys shall cover the fourth quarter of 1975 and calendar year 1975, as appropriate, and calendar year 1976, and the results shall be published by March 31, 1977. The results of subsequent surveys shall be published by March 31 of each year thereafter so long as the import restraints in this subpart are in effect."

(b) by inserting in numerical sequence the following new provisions:

Item	Articles	Quota quantity (in short tons) effective on or after—		
		June 14, 1976	June 14, 1977	June 14, 1978

Whenever, in any restraint period the respective aggregate quantity of articles specified below for item 923.20, 923.21, 923.22, 923.23, or 923.24, the product of a specified foreign country or instrumentality, has been entered (whether, for tariff purposes, in schedule 6 or in parts 1, 2, and 5 of schedule 8), no article in such item the product of such country or instrumentality may be entered during the remainder of such restraint period:

923. 20	Sheets and strip of stainless steel (except razor blade steel) of the types provided for in items 608.85, 608.88, 609.06, 609.07, and 609.08:			
	Japan.....	38, 600	38, 900	39, 800
	European Economic Community.....	15, 800	16, 300	16, 600
	Canada.....	8, 800	8, 900	9, 200
	Sweden.....	6, 700	7, 100	7, 400
	Other:			
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total).....	2, 600	2, 800	2, 900
	Other (total).....	3	3	3
923. 21	Plates of stainless steel of the types provided for in items 608.85, and 608.88:			
	Japan.....	5, 600	5, 900	6, 300
	European Economic Community.....	2, 900	3, 000	3, 100
	Canada.....	400	500	500
	Sweden.....	3, 300	3, 400	3, 600
	Other:			
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total).....	700	700	700
	Other (total).....	None	None	None

Item	Articles	Quota quantity (in short tons) effective on or after—		
		June 14, 1976	June 14, 1977	June 14, 1978
923. 22	Bars of stainless steel of the types provided for in item 608.52:			
	Japan.....	1, 300	14, 000	14, 500
	European Economic Community...	2, 500	2, 600	2, 700
	Canada.....	1, 500	1, 600	1, 700
	Sweden.....	1, 500	1, 500	1, 600
	Other:			
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total)....	5, 100	5, 200	5, 300
	Other (total).....	2	2	2
923. 23	Wire rods of stainless steel of the types provided for in items 608.76 and 608.78:			
	Japan.....	5, 700	5, 900	6, 000
	European Economic Community...	7, 400	7, 600	7, 900
	Canada.....	None	None	None
	Sweden.....	4, 000	4, 100	4, 200
	Other:			
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total)....	None	None	None
	Other (total).....	None	None	None
923. 24	Alloy tool steel of the types provided for in items 608.52, 608.76, 608.78, 608.85, 608.88, 609.06, 609.07, and 609.08:			
	Japan.....	3, 500	3, 700	3, 800
	European Economic Community...	3, 400	3, 500	3, 600
	Canada.....	1, 900	2, 000	2, 000
	Sweden.....	8, 500	8, 600	8, 700
	Other:			
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total)....	3, 600	3, 700	3, 800
	Other (total).....	6	6	6"

(T.D. 76-235)

Synopses of drawback decisions

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., August 19, 1976.

The following are synopses of drawback rates and amendments issued February 19, 1976, to June 8, 1976, inclusive, pursuant to section 22.1 and 22.5, inclusive, Customs Regulations.

In the synopses below are listed, for each drawback rate or amendment approved under section 1313(b), the name of the company, the specified articles on which drawback is authorized, the merchandise which will be used to manufacture or produce these articles, the factories where the work will be accomplished, the date the statement was signed, the basis for determining payment, the effective dates of manufacture or production and of exportation, the Regional Commissioner to whom the rate was forwarded, and the date on which it was forwarded.

(DRA-1-09)

LEONARD LEHMAN,
Assistant Commissioner,
Regulations and Rulings.

(A) Company: Continental Distilling Corp., Philadelphia, PA
Articles: Alcohol, spirit grade anhydrous, 200 proof, and blended whiskey, 80 to 100 proof
Merchandise: Neutral spirits
Factories: Philadelphia and Linfield, PA
Statement subscribed to on: March 5, 1976
Basis of Claim: Appearing in
Effective date: November 1, 1975
Rate forwarded to Regional Commissioner of Customs: Baltimore, MD,
April 13, 1976

(B) Company: Taylor Engineering Corp., Detroit, MI
Articles: Alloy and stainless steel pipe, fabricated
Merchandise: Alloy pipe, pipe fittings and flanges
Factory: Detroit, MI

Statement subscribed to on: April 7, 1976
 Basis of claim: Appearing in
 Effective date: February 1, 1976
 Rate forwarded to Regional Commissioner of Customs: Chicago, IL;
 May 19, 1976

(C) Company: Campbell Soup Co., Camden, NJ
 Articles: Asparagus soup, canned
 Merchandise: Frozen asparagus tips and pulp
 Factories: Sacramento, CA; Chicago, IL; Camden, NJ; Napoleon,
 OH; and Paris, TX
 Statements subscribed to on: June 21 and September 25, 1974;
 March 10 and December 8, 1975

Basis of claim: Appearing in
 Effective date: August 3, 1970
 Rate forwarded to Regional Commissioner of Customs: Baltimore,
 MD,
 April 13,
 1976

(D) Company: Velsicol Chemical Corp., Chicago, IL
 Articles: Benzoflex 9-88 (dipropylene glycol dibenzoate)
 Merchandise: Dipropylene glycol
 Factories: Chattanooga, TN
 Statements subscribed to on: January 24 and November 5, 1975
 Basis of claim: Used in
 Effective date: November 1, 1974
 Rate forwarded to Regional Commissioner of Customs: Houston,
 TX,
 March 1,
 1976

(E) Company: Central Chemical Corp., Hagerstown, MD
 Articles: Daconil 2787 (Bravo W75), Daconil 2787 W-75, Daconil
 2787 (Airmilled technical), and Nopocide N-96.
 Merchandise: Technical Daconil 2787
 Factories: Elkton, MD, and Sandune, TX
 Statement subscribed to on: September 22, 1975
 Basis of claim: Appearing in
 Effective date: February 4, 1970
 Rate forwarded to Regional Commissioner of Customs: New York;
 NY, June 7,
 1976

(F) Company: E. I. du Pont de Nemours and Co., Inc., Wilmington, DE

Articles: Dacron polyester yarn, staple, tow, flake and fiberfill; and Reemay spunbonded polyester sheet material.

Merchandise: Ethylene glycol, leucopure EGM, titanium dioxide and dimethyl terephthalate

Factories: Kinston and Wilmington (Cape Fear) NC; Camden and Charleston, SC; and Old Hickory and Chattanooga, TN

Statement subscribed to on: March 19, 1976

Basis of claim: Appearing in

Effective dates: January 11, 1972 (Dacron polyester yarn, staple, tow, and fiberfill; and Reemay spunbonded polyester sheet material) and October 16, 1974 (polyester flake)

Rate forwarded to Regional Commissioner of Customs: Baltimore, MD, April 13, 1976

Revokes: T.D. 75-277-E

(G) Company: Welch Foods, Inc., Westfield, NY

Articles: Grape juice concentrate, processed, reconstituted, and blended

Merchandise: Labrusca grape juice concentrate and Vinifera grape juice concentrate

Factories: Westfield and Brocton, NY; North East, PA; Lawton, MI; Kennewick and Grandview, WA; and Springdale, AR

Statement subscribed to on: January 7, 1976

Basis of claim: Appearing in

Effective date: August 31, 1972

Rate forwarded to Regional Commissioner of Customs: New York, NY, April 30, 1976

Amends: T.D. 73-164-C

(H) Company: Chemagro Agricultural Div., Mobay Chemical Corp., Kansas City, MO

Articles: Guthion technical and Guthion 50% W.P.

Merchandise: Isotoic anhydride

Factories: Kansas City, MO

Statement subscribed to on: January 15, 1976
 Basis of claim: Used in
 Effective dates: January 15, 1975 (Guthion technical) and January 11, 1975 (Guthion 50% W.P.)
 Rate forwarded to Regional Commissioner of Customs: Chicago, IL, March 8, 1976

(I) Company: Gould, Inc., Chicago, IL
 Articles: Lead oxide and lead alloys
 Merchandise: Pig lead and metallic antimony
 Factories: St. Paul, MN; Frisco, TX; Omaha, NB; and Philadelphia, PA
 Statement subscribed to on: January 26, 1976
 Basis of claim: Used in
 Effective date: December 1, 1975
 Rate forwarded to Regional Commissioner of Customs: New York, NY, May 28, 1976

(J) Company: The Upjohn Co., Kalamazoo, MI
 Articles: M-(3,3-dimethylureido) phenyl tertiary butyl-carbamate
 Merchandise: Meta amino phenol
 Factories: North Haven, CT
 Statement subscribed to on: November 4, 1975, and January 13, 1976
 Basis of claim: Used in
 Effective date: January 2, 1972
 Rate forwarded to Regional Commissioner of Customs: New York, NY, February 19, 1976

(K) Company: Chem Air Chemical Corp., Lake Charles, LA
 Articles: Pesticides
 Merchandise: Technical Daconil 2787 (Tetrachloroisophthalonitrile)
 Factory: Lake Charles, LA
 Statement subscribed to on: December 11, 1975
 Basis of claim: Appearing in
 Effective date: August 1, 1973
 Rate forwarded to Regional Commissioner of Customs: New York, NY, June 7, 1976

(L) Company: Chem Grind Chemical Corp., Houston, TX
 Articles: Pesticides
 Merchandise: Technical Daconil 2787 (Tetrachloroisophthalonitrile)
 Factories: Houston, TX
 Statement subscribed to on: September 24, 1975
 Basis of claim: Appearing in
 Effective date: June 13, 1975
 Rate forwarded to Regional Commissioner of Customs: New York,
 NY,
 June 3,
 1976

(M) Company: Velsicol Chemical Corp., Chicago, IL
 Articles: Technical Phosvel
 Merchandise: 4-bromo 2,5 dichlorophenol and benzene phosphorous
 thiodichloride
 Factories: Houston, TX
 Statements subscribed to on: March 13, 1975, and March 15, 1976
 Basis of claim: Used in
 Effective date: November 1, 1974
 Rate forwarded to Regional Commissioner of Customs: Houston,
 TX, May 19,
 1976

(N) Company: International Paper Co., New York, NY
 Articles: Bleached pulp, bleached paper, and bleached paperboard
 Merchandise: Sodium chlorate/sodium chloride mixture
 Factories: Jay, ME; Natchez, MS; Panama City, FL; Pine Bluff,
 AR; and Ticonderoga, NY
 Statement subscribed to on: May 5, 1976
 Basis of claim: Used in
 Effective date: June 30, 1971
 Rate forwarded to Regional Commissioner of Customs: New York,
 NY, June 8,
 1976

Amends: T.D. 74-253-P

(O) Company: GTE Sylvania, Towanda, PA
 Articles: Red Yttrium Oxide
 Merchandise: Yttrium Oxide and Europium Oxide
 Factory: Towanda, PA

Statement subscribed to on: March 29, 1976

Basis of claim: Used in

Effective date: March 8, 1976

Rate forwarded to Regional Commissioner New York, NY,
of Customs: June 8, 1976

Amends: T.D. 68-68-T

(P) Company: Castle & Cooke, Inc., Bumble Bee Seafood Div.
San Francisco, CA

Articles: Canned tuna fish

Merchandise: Tuna loins

Factories: Astoria, OR; Cambridge, MD; and Honolulu, HI

Statement subscribed to on: October 17, 1975

Basis of claim: Appearing in

Effective date: January 1, 1973

Rate forwarded to Regional Commissioner San Francisco, CA,
of Customs: May 28, 1976

(Q) Company: Carolina American Textiles, Inc., Mayodan, NC

Articles: Undyed texturized polyester yarn and dyed texturized
polyester yarn

Merchandise: Undyed polyester filament yarn

Factories: Greensboro, NC

Statement subscribed to on: February 18, 1976

Basis of claim: Used in

Effective date: September 9, 1975

Rate forwarded to Regional Commissioner of Customs: New York,
NY,
March 27,
1976

(R) Company: Gold Mills, Inc., New York, NY

Articles: Texturized polyester yarns

Merchandise: 150/30, 32, 34 polyester feeder yarn

Factory: Pine Grove, PA

Statements subscribed to on: September 22, 1975, February 2,
February 12, and March 9, 1976

Basis of claim: Appearing in

Effective date: July 1, 1975

Rate forwarded to Regional Commissioner of Customs: New York,
NY,
April 7,
1976

Decisions of the United States Customs Court

United States Customs Court

One Federal Plaza
New York, N. Y. 10007

Chief Judge

Nils A. Boe

Judges

Paul P. Rao

Morgan Ford

Scovel Richardson

Frederick Landis

James L. Watson

Herbert N. Maletz

Bernard Newman

Edward D. Re

Senior Judges

Mary D. Alger

Samuel M. Rosenstein

Clerk

Joseph E. Lombardi

Customs Decision

(C.D. 4666)

SCHMIDT, PRITCHARD & CO., INC.
FERROQUIP CORP.

v. UNITED STATES

Cross-motions for summary judgment

Court No. 67/77399

Port of New York

[Judgment for plaintiffs.]

(Decided August 5, 1976)

Barnes, Richardson & Colburn (Richard C. King of counsel) for the plaintiffs.
Rex E. Lee, Assistant Attorney General (John J. Mahon, trial attorney), for
the defendant.

For the reasons stated herein, plaintiffs' motion is granted.

STATUTES INVOLVED

SCHEDULE 6. - METALS AND METAL PRODUCTS

* * * * *

Subpart F headnotes:

- (i) metals (including metallic carbides):

Machine tools:

674.35 Other..... 15% ad val.

Subpart H. – Other Machines

¹ The subject merchandise is invoiced as "Combination Garrett/Edenborn Reels".

THE FACTS

Each party has submitted an affidavit in support of its respective motion: plaintiffs' affidavit was executed by Eric R. Bachmann, president of Ferroquip Corporation; defendant's affidavit was executed by Charles S. Mercer, a vice president of the Morgan Construction Company, Worcester, Massachusetts.

The parties agree, and I find, there is no genuine issue of fact to be tried. The pertinent facts are:

Wire rods and bars are produced by a hot-rolling mill in many thousands of linear feet. According to Mercer's affidavit, the smaller diameter wire rods arrive at the end of the hot-rolling mill at speeds of up to 12,000 feet per minute, while the larger diameter wire bars arrive at the end of the rolling mill at speeds of up to 4,000 feet per minute. It is obvious, then, that unless these wire rods and bars, which may be thousands of feet in length, are coiled or reeled they would be utterly impossible to handle. This fact is clear from the following description of "rod reels" in United States Steel Corporation's publication *The Making, Shaping and Treating of Steel* (8th ed., 1964), page 781:

Rod Reels—The daily output of rod mills in use today varies from 450 to 1500 net tons, which tonnages, translated into linear units of No. 5 rod, are equivalent to about 1500 and 5000 miles, respectively. From this statement it is evident that this enormous output would have been impossible without adequate reeling facilities. As previously pointed out, this need caused the early adoption of automatic reels, the first practical development of which was introduced about 1880. The rod reels now in use are mainly of two types, known as the *pouring reel* and the *laying reel*. * * * [Emphasis added in part.]

The imported merchandise consists of "pouring and laying reels", which are machines used at the end of the steel hot-rolling mills to coil or reel wire rods and bars. When the rods and bars reach the coiling machines, they "are sufficiently rigid as to require some force or energy to put them into the shape of a coil" (Mercer's affidavit, page 3). The coiling operation, however, does not change the cross section, dimensions or physical properties of the rods and bars, and does not advance or improve them for their intended use. Wire rods and bars, generally, are considered as semifinished products intended primarily to be drawn into wire.

Wire rods and bars produced by a hot-rolling mill must be allowed to cool before being further processed into wire, and the coiling of said rods and bars allows this cooling to occur. Wire rods and bars, when in coil form, are often subjected to further processing such as acid dipping, washing, drying and coating with lubricants before being drawn into wire.

ISSUE PRESENTED

There is no dispute that the pouring and laying reels are "machines", and the sole issue is whether they are specially provided for as "metal-working machine tools" within the purview of item 674.35, TSUS.

OPINION

Headnote 1, subpart F, part 4, schedule 6 defines a "machine tool" as "any machine used for shaping or surface-working * * * metals * * * whether by cutting away or otherwise removing the material or by changing its shape or form without removing any of it * * *".

It is fundamental, of course, that it is the duty of the court to interpret statutes to reflect Congressional intent. *United States v. S. H. Kress & Co.*, 46 CCPA 135, C.A.D. 716 (1959). The crucial question here is whether Congress intended that a machine used for coiling wire rods and bars should be treated as a machine used for "shaping" metals.

Plaintiffs contend that to be classifiable as a metal-working machine tool (viz., machine used for "shaping" metals) a machine must perform an operation upon metal to improve or advance its status for further use, citing *United States v. Kurt Orban Co., Inc.*, 47 CCPA 28, C.A.D. 724 (1959), *aff'g* 41 Cust. Ct. 190, C.D. 2041 (1958); and that the pouring and laying reels do not meet that criterion.

Defendant emphasizes that portion of headnote 1 reading "by changing its shape or form without removing any of it", and insists that, since the coiling operation changes the shape or form of the straight wire rods or bars into coils, the pouring and laying reels are within the purview of the definition.

There can be no doubt that by changing the straight wire rods and bars into coils the pouring and laying reels literally change the shape or form of the rods and bars. In essence, the dispute between the parties revolves about whether the language in headnote 1 relied upon by defendant should be given its literal meaning.

In *Kurt Orban*, a scrap baler which compressed voluminous metal scrap into smaller bundles and sheared off excess metal was held not classifiable under paragraph 372 of the Tariff Act of 1930 as a machine tool, since the baler did not "work" on metal in the sense intended by Congress.² The majority of the Court of Customs and Patent Appeals agreed with the Customs Court "that the primary function of * * * [machine tools] was to perform an operation upon metal in

² The definition of "machine tool" under paragraph 372 of the Tariff Act of 1930 covered "any machine operating other than by hand power which employs a tool for work on metal".

order to improve and advance its status for further use", whereas "the primary function of the * * * baler is merely that of compressing scrap metal into such form that it becomes more readily available for handling and transportation". In considering the application of the term "work" in the 1930 statutory definition of "machine tool" under paragraph 372, the majority of the appellate court observed (47 CCPA at 30-31):

The word "work" is susceptible of such a wide variety of meaning that we have grave doubts Congress intended it to be construed as broadly as the Government urges. For example, in a broad sense any tool which changes the shape, size, or even the position of a piece of metal in any manner and for any purpose may be literally said to do "work" on it, even though the nature of that particular "work" be wholly incidental to the primary function of the device. Under such circumstances there is a substantial doubt in our mind that Congress intended that word to be given such a broad construction, and we think it proper to resolve that doubt in favor of the importer. * * *

Following the rationale of *Kurt Orban*, the Customs Court held that machines for straightening crooked or bent round pipes or tubes were properly dutiable under paragraph 372 as machine tools rather than as machines not specially provided for, where the operation of the tube straightener "might be well described as 'an operation upon metal in order to improve and advance its status for further use'". *Mannesmann-Meer, Inc. v. United States* 55 Cust. Ct. 1, 5, C.D. 2546 (1965).

The undisputed facts herein disclose that the wire rods and bars from the hot-rolling mills are semifinished products, and the coiling thereof does not advance them toward their intended use. The rods and bars after coiling are usually drawn into wire, and the drawing process negates the coiling operation. Moreover, coiling, while literally producing a "change" in the shape of form of the straight wire rod or bar, does not alter its cross section, dimensions or mechanical properties.² Plainly, the language "*changing its shape or form*" (emphasis added) in headnote 1 was intended to apply to changes which involve some fabrication, improvement or advancement of metal toward its intended use. Here, the function of the pouring and laying reels involves no fabrication, improvement or advancement of the rods or bars into wire or any other product. In view of the meaning long ascribed to the term "machine tool" under prior tariff acts, it is extremely remote that by the phrase in headnote 1 "changing its

² The pouring and laying reels are somewhat analogous to wire spooling machinery, which the Government concededly does not classify under item 674.35. See T.D. 67-186(9).

shape or form" congress intended to include "any [machine] which changes the shape, size, or even the position of a piece of metal in any manner and for any purpose". Cf. *Kurt Orban*, 47 CCPA at 30.

In *General Methods Corp. v. United States*, 59 CCPA 109, 112, C.A.D. 1049, 458 F. 2d 521 (1972), the Court of Customs and Patent Appeals, citing *United States v. Andrew Fisher Cycle Co., Inc.*, 57 CCPA 102, 107, 426 F. 2d 1308, 1311-12, C.A.D. 986 (1970), pointed out that "[t]ariff provisions do not necessarily include everything that falls within their literal meaning"; but the court admonished that, "the basis for avoiding the literal interpretation of a provision must be clearly established". In the present case, as in *Kurt Orban*, where a literal interpretation would clearly defeat Congressional intent, a sound basis exists for eschewing a literal construction.

Defendant argues that the rationale of *Kurt Orban* is no longer viable under the broadened definition of "machine tool" in headnote 1. I find this contention untenable. Although it is true that in the Tariff Schedules of the United States Congress broadened the definition of "machine tool" insofar as it now includes machines that work on materials other than metal,⁴ the legislative history of the headnote suggests that there was no intent to reject the rationale of *Kurt Orban*. Thus, at the hearings before the Tariff Commission (now called the International Trade Commission) on schedule 6, the Customs Court's decision in *Kurt Orban* (erroneously referred to in the *Tariff Classification Study* as *Curt Arvin*) was specifically called to the attention of the Commission by one of the witnesses who opined that under headnote 1 a scrap baler would be held to be a machine tool. The witness urged that the existing definition of machine tool in the Tariff Act of 1930 be retained, observing that "[w]ork on metal is well understood to mean fabrication and not mere haphazard cutting". Mr. Russell N. Shewmaker, Assistant General Counsel for the Commission, replied that "we do not contemplate when we speak of a machine used for shaping or surface work that we would be treating with anything such as a scrap baler". *Tariff Classification Study* (November 15, 1960), schedule 6, pages 648-649.

⁴ The *Tariff Classification Study* (November 15, 1960), schedule 6, page 271 states:

Headnote 1 defines the term "machine tool" more broadly than it is defined in the present provisions of paragraph 372 where it is defined as "any machine operating by other than hand power which employs a tool for work on metal". Under the proposed definition, the term would apply not only to metal-working tools but also to machines used for shaping or surface-working stone, ceramics, concrete, asbestos, cement, and like mineral materials; glass in the cold, wood, cork, bone, hard rubber or plastics, or other hard materials. These latter machine tools are significant articles of trade and it is desirable to have a separate provision therefor in the proposed schedules.

Moreover, in *Pitney-Bowes, Inc. v. United States*, 59 Cust. Ct. 181, C.D. 3116 (1967), the Customs Court in declining to give a literal interpretation to the TSUS definition of "machine tool" in headnote 1, stressed the legislative history of headnote 1, and the judicial construction of the term "machine tool" under the 1930 and previous tariff acts. The court held that embossing machines used to impress letters or other characters into a metal plate, so that one surface has slight protuberances and the other surface has slight depressions, did not perform the kind of change in shape or form contemplated by Congress to bring a machine within the definition in headnote 1.

Additionally, both parties have cited *Broderick & Bascom Rope Co. v. United States*, 65 Cust. Ct. 400, C.D. 4112 (1970). There, the Customs Court held that item 674.35, TSUS, was applicable to a wire strander, which twists or bends a multiple number of wires into strands for making wire ropes, but does not remove any of the wire or change the dimensions of the individual wires. In *Broderick & Bascom*, the Court of Customs and Patent Appeals, 59 CCPA 130, C.A.D. 1053, 460 F.2d 1070 (1972), without deciding whether the stranders were classifiable as machine tools under item 674.35,⁵ reversed on the ground that the stranders were more specifically provided for as cordage machines under item 670.90 of the Tariff Schedules of the United States.

It should be noted that the stranders fabricated and advanced multiple individual wires into "strands" for use in making wire ropes, whereas here, after the coiling operation of the pouring and laying reels, wire rods and bars still remain only wire rods and bars. Hence, the function of the wire strander is not analogous to that of the pouring and laying reels.

In summary, the pouring and laying reels are not machines used for shaping or surface-working, and do not change the shape or form of metal within the meaning of headnote 1 as contemplated by Congress. Accordingly, I conclude that the imported machines are not classifiable as machine tools under item 674.35, but are properly dutiable as machines not specially provided for under item 678.50. Plaintiffs, therefore, are entitled to summary judgment, and judgment will be entered accordingly.

⁵ The appellate court commented (59 CCPA at 134): "If the present wire stranders do fall within the description of the provision for machine tools, it must be because a broad interpretation is given to the terms 'shaping or surface-working' and 'by changing its shape and form without removing any of it' in the Schedule 6, Part 4, Subpart F headnote."

Decisions of the United States Customs Court Abstracts Protest Decisions

The following abstracts of decisions of the United States Customs Court at New York are published for the information and guidance of officers of the customs and others concerned. Although the decisions are not of sufficient general interest to print in full, the summary herein given will be of assistance to customs officials in easily locating cases and tracing important facts.

VERNON D. ACREE,
Commissioner of Customs.

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED	HELD	BASIS	PORT OF ENTRY AND MERCHANDISE
F76/184	Richardson, J. August 2, 1976	J. H. Phillips F. W. Myers & Co., Inc., et al.	67/4137, etc.	Item 637.50 18%	Per. or Item No. and Rate Items 620.32/911.- 23 Free of duty	U.S. v. C. J. Tower & Sons of Buffalo, Inc. s/o Metco, Inc. (C.A.D. 1163)	Champlain (Ogdensburg) Composite powder

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED Par. or Item No. and Rate	HIELD Par. or Item No. and Rate	BASIS EVIDENCE	PORT OF ENTRY AND MERCHANDISE
P76185	Meletz, J. August 3, 1976	Larami Corp. et al.	71-10-01284, etc.	Item 727.00 24%, 21% and 17.5%	Item 724.20 7%, 6% and 5.5%	Meco Corp. v. U.S. (C.A.D. 1187)	Philadelphia Pinball, bagatelle, basket- ette games, etc.
P76186	Watson, J. August 4, 1976	The American Import Co.	73-11-00041.	Item 748.20 22%	Item 774.60 10%	Armbee Corporation et al. v. U.S. (C.D. 3278) Zunold, Trading Corpora- tion et al. v. U.S. (C.D. 3279) First American, Artificial Flowers, Inc. v. U.S. (C.D. 4185) Joseph Markovits, Inc. v. U.S. (C.D. 4338)	Los Angeles Merchandise in c.v. of plastic
P76187	Meletz, J. August 4, 1976	Larami Corp. et al.	70/11574, etc.	Item 727.00 26% or 24%	Item 724.20 8% or 7%	Meco Corp. v. U.S. (C.A.D. 1187)	Philadelphia Bagatelle games, etc.

Appeals to the United States Court of Customs and Patent Appeals. 01.877 men in noisily
It is claimed that the Customs Court erred in finding and holding
APPEAL 76-31.—United States v. John V. Carr & Son, Inc., Paccar
Inc., d/b/a Dynacraft Company.—HOSE—HOSE AND TUBING
OF RUBBER OR PLASTICS—CANADIAN ARTICLE AND ORIGINAL
MOTOR-VEHICLE EQUIPMENT—FABRICATED COMPONENT—TSUS.
Appeal from C.D. 4652.

In this case merchandise ("Dynacraft Hose SAE J1402 Type D") assessed at 5 percent ad valorem under item 772.65, Tariff Schedules of the United States, as hose and tubing of rubber or plastics was held to be properly free of duty as claimed by plaintiffs under item 772.66 as a Canadian article and original motor-vehicle equipment.

It is claimed that the Customs Court erred in finding and holding that the subject merchandise is a "fabricated component" as that term is used in headnote 2(a), part 6B, schedule 6 of the TSUS; in finding and holding that the merchandise is entitled to duty-free entry; in finding and holding that the merchandise is properly classifiable under item 772.66, *supra*; in not finding and holding that the subject merchandise was properly classified under item 772.65, *supra*; in finding and holding that the definition of "fabricated component" as that term is used in item 807.00 of the TSUS is applicable to this action grounded in the Automotive Products Trade Act of 1965; in finding and holding that the term "fabricated component" has the same meaning when used in the context of the Automotive Products Trade Act as when used in the context of American goods returned; in not finding and holding that the merchandise is mere "material"; in finding and holding that the subject merchandise is completely fabricated and ready for assembly without further fabrication; and in not finding and holding that the hose assembly operation performed in the United States is a significant further fabrication.

APPEAL 76-32.—Artmark Chicago, Ltd. v. United States.—PLASTIC HORSE FIGURES—TOY FIGURES OF ANIMATE OBJECTS—FIGURINES OF PLASTICS—TSUS. Appeal from C.D. 4654.

In this case plastic horse figures were held properly dutiable as assessed at 21 or 17.5 percent ad valorem, depending upon the date of entry, under the provision in item 737.40, Tariff Schedules of the United States, as modified by T.D. 68-9, for toy figures of animate objects. Plaintiff-appellant claimed that the merchandise was dutiable

at 10 or 8.5 percent, depending upon the date of entry, under the provision in item 773.10, as modified by T.D. 68-9, for figurines of plastics.

It is claimed that the Customs Court erred in finding and holding that the merchandise is dutiable under item 737.40; *supra*, in failing to hold and decide that the merchandise is properly dutiable under item 773.10, *supra*; in holding and deciding that the evidence fails to overcome the presumption of correctness attaching to the classification of the plastic horses as toys; and in failing to hold and decide that the plastic horses are chiefly used for the purposes of decoration, ornamentation, and display.

Schedules of the United States, as horse and timing of rubber or plastics was held to be properly free of duty as claimed by plaintiffs under item 773.66 as a Canadian article and original motor-vehicle equipment.

It is claimed that the Customs Court erred in finding and holding that the subject merchandise is a "fabricated component," as that term is used in heading 3(a), part 8B, schedule 6 of the TSUS; in finding and holding that the merchandise is entitled to duty-free entry; in finding and holding that the merchandise is properly classifiable under item 773.66, *supra*; in not finding and holding that the subject merchandise was properly classified under item 773.66, *supra*; in finding and holding that the definition of "fabricated component," as that term is used in item 807.00 of the TSUS is applicable to this action grounded in the Automotive Products Trade Act of 1966; in finding and holding that the term "fabricated component" has the same meaning when used in the context of the Automotive Products Trade Act as when used in the context of American goods returned; in not finding and holding that the merchandise is "material"; in finding and holding that the subject merchandise is completely fabricated and ready for assembly without further fabrication; and in not finding and holding that the base assembly operation performed in the United States is a significant further fabrication.

Appeal 78-32—Armstrong Chicago, Ltd. v. United States—Plastic Horse Figurines—Toy Figurines of American Goods—Fur—RINGS OF PLASTICS—TSUS. Appeal from C.D. 4634.

In this case plastic horse figurines were held properly dutiable as assessed at 21 or 17.5 percent ad valorem depending upon the date of entry, under the provision in item 737.40, Tarriff Schedules of the United States, as modified by T.D. 68-9, for toy figures of animals objects. Plaintiff-appellant claimed that the merchandise was dutiable

scheduled to appear. Such notice will be sent as soon as possible after August 27, 1976. Any person who fails to receive such notification by August 31, 1976, should immediately communicate with the Office of the Secretary of the Commission. Parties wishing to submit written comments in lieu of attendance at the hearings should do so by September 18, 1976.

International Trade Commission Notices

Investigations by the United States International Trade Commission

DEPARTMENT OF THE TREASURY, August 19, 1976.

The appended notices relating to investigations by the United States International Trade Commission are published for the information of Customs Officers and others concerned.

VERNON D. ACREE,

Commissioner of Customs.

[332-73]

PUBLIC NOTICE OF HEARINGS ON CERTAIN DRAFT CHAPTERS OF THE HARMONIZED COMMODITY DESCRIPTION AND CODING SYSTEM

The United States International Trade Commission hereby gives notice that public hearings will be held at 10 a.m., EDT, on September 2, 1976, in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436 on drafts of, and U.S. comments on, the following chapters of the Harmonized Commodity Description and Coding System:

Chapter 64: Footwear, gaiters and the like; parts of such articles.

Chapter 69: Ceramic products.

Chapter 70: Glass and glassware.

The purpose of this hearing is to obtain the comments and views of interested parties with respect to draft chapters of the Harmonized Commodity Description and Coding System, and of the U.S. comments submitted in connection therewith.

Requests to appear at the hearings on these chapters must be filed in writing with the Secretary of the Commission not later than August 27, 1976. Parties who have properly entered an appearance by this date will be individually notified of the date on which they are

scheduled to appear. Such notice will be sent as soon as possible after August 27, 1976. Any person who fails to receive such notification by August 31, 1976, should immediately communicate with the Office of the Secretary of the Commission. Parties wishing to submit written comments in lieu of attendance at the hearings should do so by September 13, 1976.

In its public notice issued May 10, 1976, regarding hearings on the chapters of the Harmonized Commodity Description and Coding System (41 FR 19781 of May 13, 1976) interested parties were notified regarding the rules governing the conduct of the hearings, and the submission of written statements. The Commission's notice of May 10, 1976, applies to the hearings on the chapters being released today to the extent that it is applicable.

In its public notice of May 4, 1976 (41 FR 18716 of May 6, 1976), the Commission identified those chapters which have been considered thus far by the Harmonized System Committee, and the chapters for which a technical team draft has been released. Since that notice was issued the Commission has received the following draft chapters prepared by the technical team:

- Chapter 12 Oil seeds and oleaginous fruit; miscellaneous grain seeds and fruit; industrial and medical plants; straw and fodder.
- Chapter 16 Preparations of meat, of fish, of crustaceans or molluscs.
- Chapter 17 Sugar and sugar confectionary.
- Chapter 24 Tobacco.
- Chapter 27 Mineral fuels, mineral oils and products of their distillation; bituminous substances, mineral waxes.
- Chapter 63 Old clothing and old textile articles; rags.
- Chapter 87 Vehicles, other than railway or tramway rolling-stock, and parts thereof.
- Chapter 88 Aircraft and parts thereof.
- Chapter 89 Ships, boats, and floating structures.
- Chapter 98 Miscellaneous manufactured articles.

Copies of the foregoing chapters and of the chapters and U.S. comments thereon which are the subject of the hearing are available for public inspection at the offices of the Commission at 701 E Street NW., Washington, D.C. 20436 or at 6 World Trade Center, New York, New York 10048.

By order of the Commission:

KENNETH R. MASON,
Secretary.

Customs Court

Appeals to U.S. Court of Customs and Patent Appeals (p. 45)

76-31—Hose and tubing of rubber or plastic; Canadian article
and original motor vehicle; fabricated component; T8US
76-32—Plastic hose (hoses); for use in animal objects; features of
plastic; T8US

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